

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF ALABAMA;  
STATE OF ARKANSAS; COMMONWEALTH OF  
KENTUCKY; STATE OF LOUISIANA; STATE OF  
MISSOURI; and STATE OF MONTANA,

*Plaintiffs,*

Case No. 1:22-cv-113-HSO-RPM

v.

XAVIER BECERRA, in his official capacity as  
Secretary of Health and Human Services; THE  
UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES; CHIQUITA BROOKS-  
LASURE, in her official capacity as Administrator of the  
Centers for Medicare and Medicaid Services; THE  
CENTERS FOR MEDICARE AND MEDICAID  
SERVICES; THE UNITED STATES OF AMERICA,  
*Defendants.*

**DECLARATION OF CAMERON T. NORRIS**

I, Cameron T. Norris, declare and state as follows under 28 U.S.C. §1746:

1. I am over the age of eighteen and under no mental disability or impairment.
2. I am an attorney and partner of the law firm Consovoy McCarthy PLLC. I am counsel in this case for the State of Mississippi.
3. I submit this declaration in support of the States' motion for summary judgment. The documents attached to the motion were produced by the parties or third parties during the discovery period.
4. Attached as Exhibit 1 is a true and correct copy of the States' amended responses to Defendants' first set of interrogatories.
5. Attached as Exhibit 2 is a true and correct copy of Defendants' response to the States' first set of interrogatories.
6. Attached as Exhibit 3 is a true and correct copy of Defendants' response to the States' second set of interrogatories.

7. Attached as Exhibit 4 is a true and correct copy of Defendants' courtesy supplementary list of practices in the States that attested to competing "MIPS clinical practice improvement activity IA\_AHE\_8 in performance year 2023 by creating and implementing an anti-racism plan for a minimum of 90 continuous days in 2023."

8. Attached as Exhibit 5 is a true and correct copy of Defendants' amended responses to the States' second set of interrogatories.

9. Attached as Exhibit 6 is a true and correct copy of Defendants' responses to the States' request for admissions.

10. Attached as Exhibit 7 is a true and correct copy of Defendants' amended responses to the States' request for admissions.

11. Attached as Exhibit 8 is a true and correct copy of documents Defendants produced to the States during discovery, stamped HHS\_00000001 to HHS\_00000511. The documents were initially produced as images in .tif format. The States have combined them into one .pdf file to attach them in a convenient format.

12. Attached as Exhibit 9 is a true and correct copy of data produced to the States in an Excel spreadsheet as HHS\_00000511.xlsx. That spreadsheet is described in Defendants' interrogatory responses Exs. 3, 5. The Exhibit includes data for performance years 2022 and 2023 related to "individual clinicians who have attested to, or have otherwise obtained credit for, the creation and implementation of an anti-racism plan," including "those individual clinician's scores in each of the four performance categories," "those individual clinician's composite scores," and "the practice size of the group to which the individual clinician belongs, categorized as solo, small (2-15 clinicians), medium (16-99 clinicians), or large (100 or more clinicians)." Ex. 5 at 3.

13. Attached as Exhibit 10 is a true and correct copy of data produced to the States in an Excel spreadsheet as HHS\_00000512.xlsx. That spreadsheet reflects "updated information for performance year 2023." Ex. 5 at 3.

14. Attached as Exhibit 11 is a true and correct copy of a Disparities Impact Statement completed and produced by third party Family Medicine Clinic P.A., an Arkansas practice. Defendants

have confirmed that Family Medicine Clinic P.A. “attested to Defendants that [it] completed MIPS clinical practice improvement activity IA\_AHE\_8 in performance year 2023 by creating and implementing an anti-racism plan for a minimum of 90 continuous days in 2023.” *See* Ex. 4.

15. Attached as Exhibit 12 are true and correct copies of documents produced by Kentucky-based third party Body-Mind-Spirit Podiatric Center, PLLC. Defendants have confirmed that it “attested to Defendants that [it] completed MIPS clinical practice improvement activity IA\_AHE\_8 in performance year 2022 by creating and implementing an anti-racism plan for a minimum of 90 continuous days in 2022.” *See* Ex. 2.

Per 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 15, 2024

/s/Cameron T. Norris

Cameron T. Norris

Attorney for the State of Mississippi